



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers

Regulatory Branch Post Office Box 3755 Seattle, WA 98124-3755 Telephone: (206) 769-6960 ATTN: Olivia Romano,

Project Manager

WA Department of Ecology

SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,

Federal Permit Coordinator

Public Notice Date: July 2, 2015 Expiration Date: August 1, 2015

Reference No.: NWS-2015-0469-WRD

Name: Seattle, Port of

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the U.S. as described below and shown on the enclosed drawings dated April 24, 2015.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Port of Seattle

Attention: George Blomberg

Seaport Environmental and Planning

P.O. Box 1209

Seattle, Washington 98111 Telephone: (206) 787-3194

LOCATION: At Terminal 46 in Elliott Bay, Seattle, Washington.

WORK: Structural upgrades to 200 linear feet of the existing wharf apron at Terminal 46. The proposed work includes the removal of the existing fender system including 23 creosote timber piles, the removal of 22 concrete piles, removal of the existing waterside crane rail, and the installation of thirty-three 24-inch concrete piles and a new cast-in-place concrete waterside crane rail connected to the new concrete piles. A new panel fender system would be installed above Mean Higher High Water line. The existing timber piles would be removed by a barge-mounted vibratory driver to loosen each pile and a barge-mounted crane would chain and cable the piles and pull them vertically. If a pile breaks below mudline during extraction, the pile would be cut off below the mudline at slack water to reduce turbidity. Up to 10 cubic yards of clean sand would be placed on top of all timber piles that break/cut below the mudline. Concrete piles would be removed with a barge-mounted crane by chain and cable attached to the pile near the water line. The crane would pull the pile until it breaks below the water line. New concrete piles would be installed using a barge-mounted impact pile driver. An existing 36-inch-diameter concrete stormwater outfall pipe that extends through the existing steel bulkhead would be replaced by demolishing the existing concrete collar that fixes the pipe through the bulkhead and inserting the new pipe through the bulkhead and installing a new concrete collar (poured-in-place) to hold the pipe and create a water-tight connection.

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Stormwater outfall pipe replacement would require access by vessel from waterward side of the bulkhead and would be done during low tides to the greatest extent possible.

Work outside the Corps jurisdiction includes work landward of the existing steel bulkhead. The work consist of removing the existing landward crane rail, installing thirty-three 14-inch steel H-piles installed as foundation for the new landward crane rail, and installing electrical substations, new stormwater treatment vault, and repaving behind the waterward new crane rail.

<u>PURPOSE</u>: To improve the capability and service productivity of the existing Terminal 46.

<u>ADDITIONAL INFORMATION</u>: The remaining portion of Terminal 46 (2,440 linear feet) was upgraded to handle 100-foot gauge cranes in 2002-2003.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). If the U.S. Army Corps of Engineers (Corps) determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

<u>CULTURAL RESOURCES</u>: The Corps has reviewed the latest published version of the National Register of Historic Places, Washington Information System for Architectural and Archaeological Records Data and other sources of information. There are no recorded historic properties within the permit area. The permit area has been so extensively disturbed by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The Corps invites responses to this public notice from Native American Tribes or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns regarding historic properties and sites of religious and cultural significance at or near the project area. After receipt of comments from this public notice, the Corps will evaluate potential impacts and consult with the State Historic Preservation Officer and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act, as appropriate.

<u>PUBLIC HEARING</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u> – <u>CORPS</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

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The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

<u>SOURCE OF FILL MATERIAL</u>: The applicant has not yet identified the source of the fill material. Should a permit be issued, the Corps will evaluate the fill material source prior to the start of construction.

<u>EVALUATION</u> – <u>ECOLOGY</u>: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

<u>ADDITIONAL EVALUATION</u>: This proposal is the subject of Shorelines Substantial Development Permit Number 3020397 which has been issued by the City of Seattle.

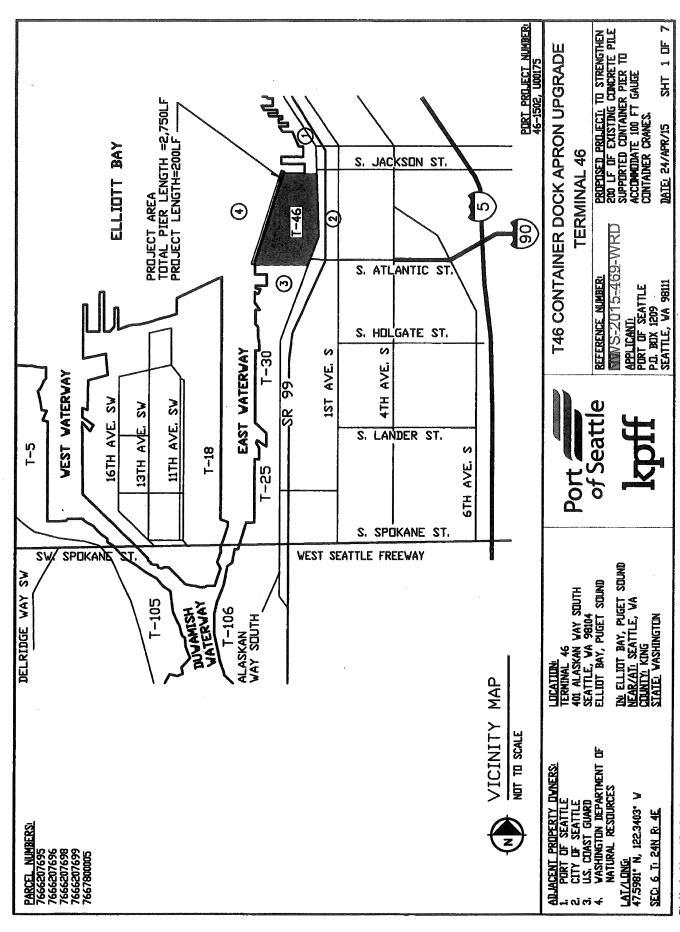
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

<u>CORPS COMMENTS</u>: All e-mail comments should be sent to olivia.h.romano@usace.army.mil. Conventional mail comments should be sent to: U.S. Army Corps of Engineers, Regulatory Branch, Attention: Olivia Romano, P.O. Box 3755, Seattle, Washington 98124-3755. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

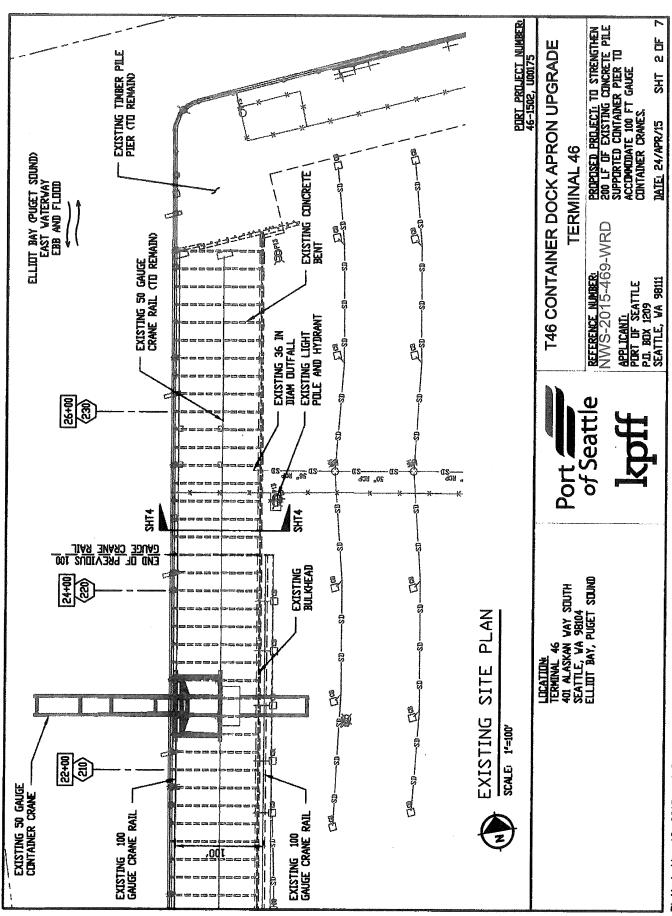
ECOLOGY COMMENTS: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Seattle, Port of, NWS-2015-0469-WRD

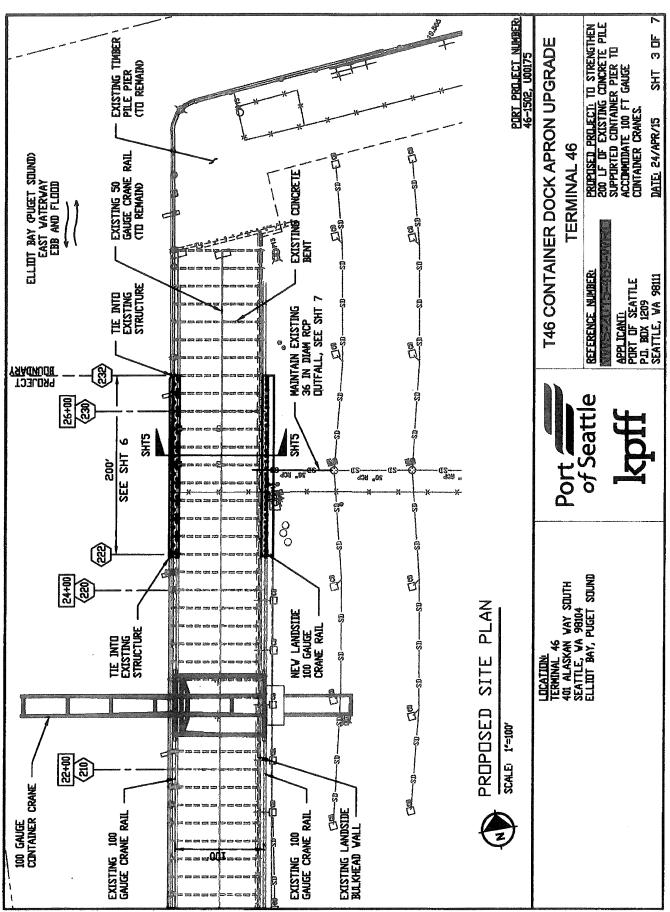
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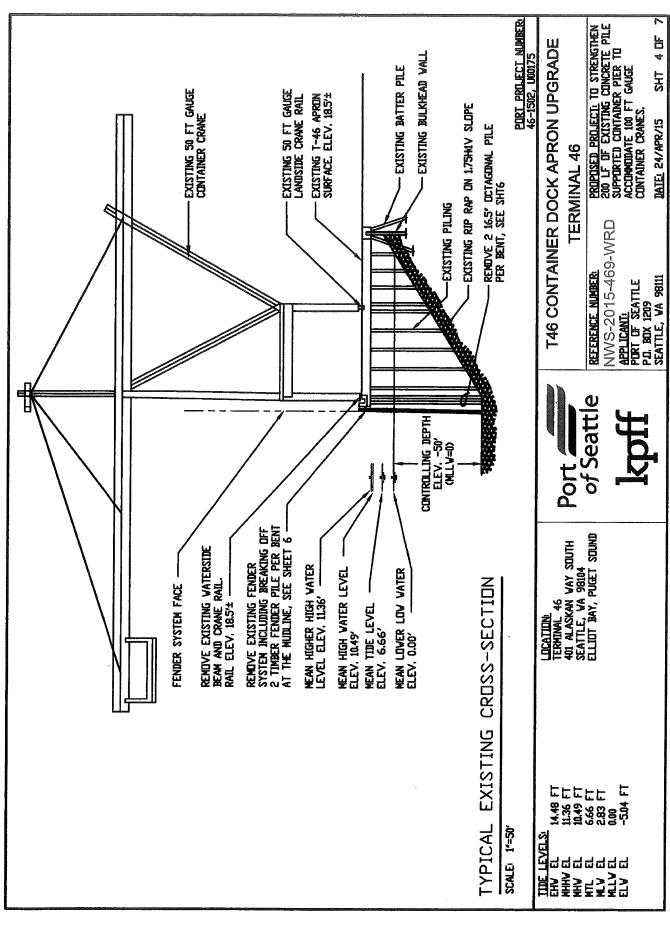
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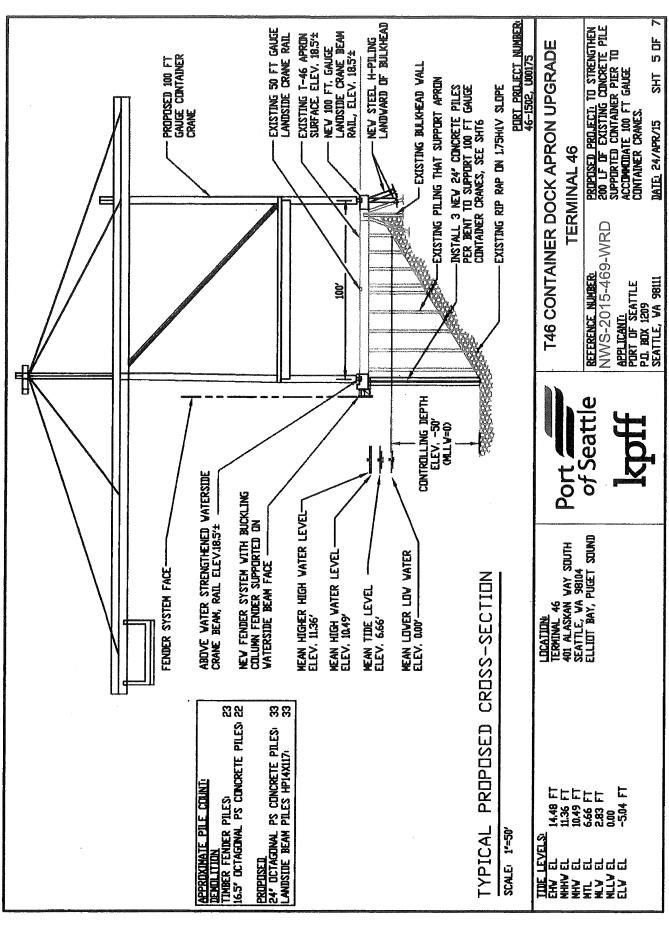
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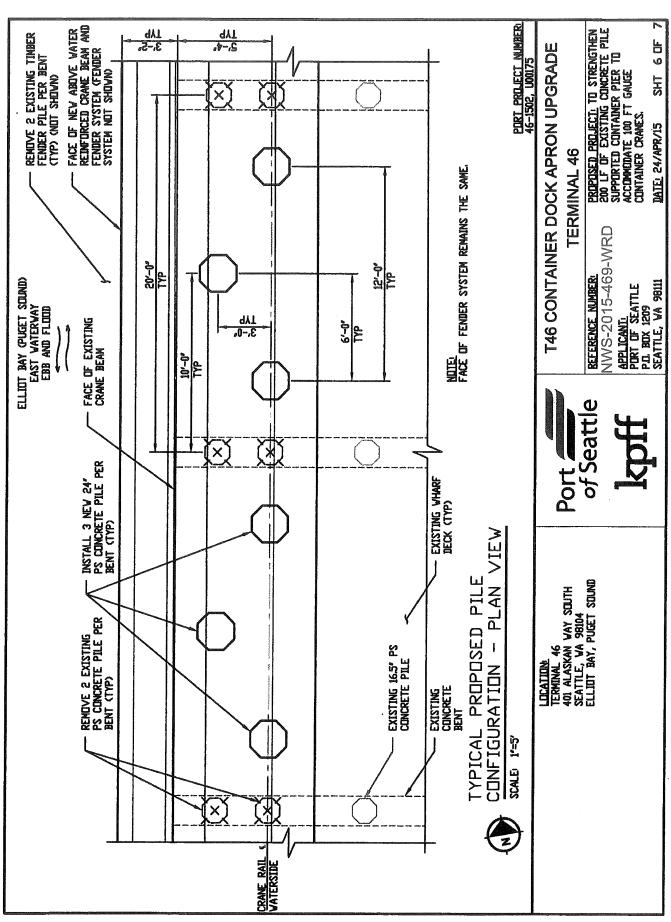
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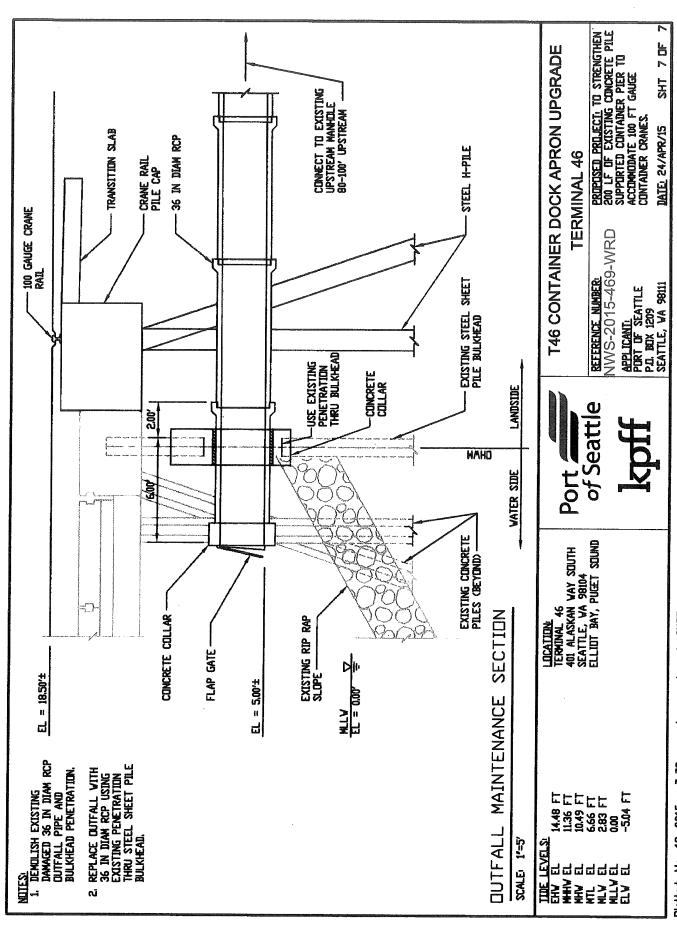
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